

21 C.J.S. Courts § 132

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Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

III. Creation and Constitution; Officers of Courts

B. Nonjudicial Officers and Employees Generally; Interpreters

3. Interpreters; Facilitators

§ 132. Court Interpreters Act

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Under the Court Interpreters Act, a defendant in a federal prosecution who speaks only or primarily a language other than English is entitled to a court-appointed interpreter if the defendant's command of English impairs the defendant's ability to comprehend judicial proceedings.

A federal statute¹ governs the qualifications of interpreters in criminal and certain civil actions in United States district courts.² A defendant in a federal prosecution who speaks only or primarily a language other than English is entitled to a court-appointed interpreter if the defendant's command of English impairs the defendant's ability to comprehend judicial proceedings.³

The Court Interpreters Act requires that interpreters used in proceedings instituted by the United States be certified or otherwise qualified.⁴ Although the Act speaks in mandatory terms as to the

duty of the court to establish an interpreter program to protect the rights of a defendant whose only or primary language is other than English, it does not preclude a defendant from waiving the right to receive translation services, nor does it preclude a defendant from waiving any objection the defendant may have to the certification or performance of a translator for a witness.⁵ The Court Interpreters Act does not create new constitutional rights for criminal defendants but rather serves to create parameters for accurate and competent translation so that the quality of the translation does not fall beneath a constitutionally permissible threshold.⁶

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Footnotes

- 1 28 U.S.C.A. § 1827.
- 2 Mo.—*State v. Gongora*, 866 S.W.2d 172 (Mo. Ct. App. S.D. 1993).
- 3 U.S.—*U.S. v. Hernandez*, 994 F. Supp. 627 (E.D. Pa. 1998), *aff'd*, 248 F.3d 1131 (3d Cir. 2000).
- 4 U.S.—*U.S. v. Huang*, 960 F.2d 1128 (2d Cir. 1992).
- 5 U.S.—*U.S. v. Huang*, 960 F.2d 1128 (2d Cir. 1992).
- 6 U.S.—*U.S. v. Hernandez*, 994 F. Supp. 627 (E.D. Pa. 1998), *aff'd*, 248 F.3d 1131 (3d Cir. 2000).

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